

General Assembly

Raised Bill No. 7329

January Session, 2019

LCO No. **5320**



Referred to Committee on GOVERNMENT ADMINISTRATION AND ELECTIONS

Introduced by: (GAE)

AN ACT CONCERNING DARK MONEY AND DISCLOSURE OF FOREIGN POLITICAL SPENDING AND OF POLITICAL ADVERTISING ON SOCIAL MEDIA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 9-601 of the general statutes is amended by adding
- 2 subdivisions (32) to (35), inclusive, as follows (*Effective from passage*):
- 3 (NEW) (32) "Independent expenditure political committee" means a
- 4 political committee that makes only (A) independent expenditures,
- 5 and (B) contributions to other independent expenditure political
- 6 committees.
- 7 (NEW) (33) "Foreign national" has the same meaning as provided in
- 8 52 USC 30121(b), as amended from time to time.
- 9 (NEW) (34) "Foreign owner" means (A) a foreign national, or (B) an
- 10 entity of which a foreign national holds, owns, controls or otherwise
- 11 has directly or indirectly acquired beneficial ownership of equity or
- 12 voting shares in an amount equal to or greater than fifty per cent of

LCO No. 5320 **1** of 43

13 total equity or outstanding shares of voting stock.

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- 14 (NEW) (35) "Foreign-influenced entity" means any entity of which 15 (A) one foreign owner holds, owns, controls or otherwise has directly 16 or indirectly acquired beneficial ownership of equity or voting shares 17 in an amount equal to or greater than five per cent of total equity or 18 outstanding shares of voting stock, (B) multiple foreign owners hold, 19 own, control or otherwise have directly or indirectly acquired 20 beneficial ownership of equity or voting shares in an amount equal to 21 or greater than twenty per cent of total equity or outstanding shares of 22 voting stock, or (C) any foreign owner participates in any way, directly 23 or indirectly, in the process of making decisions with regard to the 24 making of expenditures or contributions by such entity.
- Sec. 2. Subdivision (3) of section 9-601 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (3) "Political committee" means (A) a committee organized by a business entity or organization, (B) persons other than individuals, or two or more individuals organized or acting jointly conducting their activities in or outside the state, (C) an exploratory committee, (D) a committee established by or on behalf of a slate of candidates in a primary for the office of justice of the peace, but does not mean a candidate committee or a party committee, (E) a legislative caucus committee, [or] (F) a legislative leadership committee, or (G) an independent expenditure political committee.
- Sec. 3. Section 9-601d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (a) Any person, as defined in section 9-601, as amended by this act, may, unless otherwise restricted or prohibited by law, including, but not limited to, any provision of this chapter or chapter 157, make unlimited independent expenditures, as defined in section 9-601c, and accept unlimited covered transfers, as defined in [said] section 9-601, as amended by this act. Except as provided [pursuant to] in this

LCO No. 5320 **2** of 43

45 section, any such person who makes or obligates to make an 46 independent expenditure or expenditures in excess of one thousand 47 dollars, in the aggregate, shall file statements according to the same 48 schedule and in the same manner as is required of a treasurer of a 49 [candidate] political committee pursuant to section 9-608, as amended 50 by this act. Any such person, other than a committee, shall file with the 51 proper authority, as provided in section 9-603, as amended by this act, 52 (1) a long-form report and a short-form report pursuant to subsection 53 (c) of this section for such independent expenditure or expenditures, 54 and (2) a short-form report pursuant to subsection (d) of this section 55 for each subsequent independent expenditure made or obligated to be 56 made.

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(b) Any person who makes or obligates to make an independent expenditure or expenditures in an election or primary for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, state senator or state representative [, which] that exceed one thousand dollars, in the aggregate, during [a primary campaign or a general election campaign, as defined in section 9-700, shall file, electronically, a long-form and a short-form report of such independent expenditure or expenditures with the State Elections Enforcement Commission pursuant to subsections (c) and (d) of this section. The person that makes or obligates to make such independent expenditure or expenditures shall file such reports] the period beginning on July first in the year of a regular election, or on the day the Governor issues writs of election pursuant to section 9-215 in the case of a special election for the office of state senator or state representative, and ending on the day following the primary or election for which such person made or obligated to make such independent expenditure or expenditures, shall electronically file, in the case of a committee, a report pursuant to section 9-608, as amended by this act, or, in the case of any person other than a committee, a long-form report and a short-form report pursuant to subsections (c) and (d) of this section not later than twenty-four hours after (1) making any such payment, or (2) obligating

LCO No. 5320 3 of 43

7329

to make any such payment, with respect to the primary or election. [If any such person makes or incurs a subsequent independent expenditure, such person shall report such expenditure pursuant to subsection (d) of this section. Such reports] In the case of a special election for the office of state senator or state representative, if any person makes or obligates to make an independent expenditure or expenditures for such special election that exceeds one thousand dollars, in the aggregate, prior to the day the Governor issues writs of election pursuant to section 9-215, such person shall file a report not later than twenty-four hours after such writs of election are issued. Any such report shall be filed under penalty of false statement.

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(c) The independent expenditure long-form report shall identify: (1) The name of the person making or obligating to make such independent expenditure or expenditures and, in the case of a person other than an individual, the name of a human being who had direct, extensive and substantive decision-making authority over such independent expenditure or expenditures; (2) the tax exempt status of such person and, if [applicable] such person files a report with the Federal Election Commission, the Internal Revenue Service or any similar out-of-state agency, identifying information under which any such filings are made; (3) the mailing address, and street address if different, of such person; (4) the principal business address of the person, if different from either the mailing address or street address; (5) the mailing address, and street address if different, telephone number and electronic mail address of the agent for service of process in this state of such person and for the individual described in subdivision (1) of this subsection as having direct, extensive and substantive decision-making authority over such independent expenditure or expenditures; (6) the date of the primary, [or] election or referendum for which [the] such independent expenditure or expenditures were made or obligated to be made; (7) (A) the name of any candidate who, or the text of any referendum question that, was the subject of [any] such independent expenditure or expenditures, [and whether the] (B) whether such independent expenditure or

LCO No. 5320 **4** of 43 expenditures were in support of or in opposition to such candidate [; and (8)] or referendum question, and (C) any other information required under subsection (d) of this section; (8) whether such person is a foreign-influenced entity, and a description of the facts establishing such person as such an entity if so; and (9) the name, telephone number and electronic mail address for the individual filing such report. Such individual filing such report shall, under penalty of false statement, affirm that the expenditure reported is an independent expenditure [under penalty of false statement] and certify that due inquiry has been made by the chief executive or chief financial officer, or equivalent, of such person to determine that such person is not a foreign national on the date such independent expenditure was made or obligated to be made.

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(d) As part of any filing made pursuant to subsection (c) of this section and for each subsequent independent expenditure made or obligated to be made by a person with respect to the primary, [or] election or referendum for which a long-form report pursuant to subsection (c) of this section has been filed on behalf of such person, an individual shall file [, electronically,] a short-form report for each such independent expenditure. [, not later than twenty-four hours after such person makes a payment for an independent expenditure or obligates to make such an independent expenditure.] Such short-form report shall identify: (1) The name of the person making or obligating to make such independent expenditure; (2) the amount of the independent expenditure; (3) whether the independent expenditure was in support of or in opposition to a candidate or referendum question, and the name of such candidate or text of such referendum question; (4) a brief description of the expenditure made, including the type of communication, based on categories determined by the State Elections Enforcement Commission, and the allocation of such expenditure in support of or in opposition to each such candidate or referendum question, if such expenditure was made in support of or in opposition to more than one candidate [; and] or question; (5) the name, telephone number and electronic mail address for the individual filing such

LCO No. 5320 5 of 43

- 148 Enforcement Commission may require to facilitate compliance with
- 149 <u>the provisions of chapters 155 to 157, inclusive</u>. Such individual filing
- such report shall, under penalty of false statement, affirm that the
- 151 expenditure reported is an independent expenditure. [under penalty of
- 152 false statement.]

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the reported expenditure.

- (e) No person reporting an independent expenditure pursuant to the provisions of subsection (c) or (d) of this section shall be required to file a statement pursuant to section 9-608, as amended by this act, for such independent expenditure.
- 157 (f) (1) Except as provided in subdivision (2) of this subsection, as 158 part of any statement filed pursuant to this section, if a person who 159 makes or obligates to make an independent expenditure (A) has 160 received a covered transfer during the twelve-month period prior to a primary, [or] election or referendum, as applicable to the reported 161 162 expenditure, [for an office that a candidate described in subdivision (7) 163 of subsection (c) of this section is seeking, and (B) such independent 164 expenditure is made or obligated to be made on or after the date that is 165 one hundred eighty days prior to such primary, [or] election or 166 referendum, such person shall disclose the source and the amount of 167 any such covered transfer such person received that is in an amount that is five thousand dollars or more, in the aggregate, during the 168
 - (2) The provisions of subdivision (1) of this subsection shall not apply to any person who discloses the source and amount of a covered transfer described in subdivision (1) of this subsection as part of any report to the Federal Election Commission, [or] the Internal Revenue Service or any similar out-of-state agency, provided such person includes a copy of, or information sufficient to find, any such report as part of the report of each applicable independent expenditure filed pursuant to this section. If a source and amount of a covered transfer is not included as part of any such report, the maker of the independent

twelve-month period prior to such primary or election, as applicable to

LCO No. 5320 **6** of 43

expenditure shall disclose the source and amount of such covered transfer pursuant to subdivision (1) of this subsection, if applicable.

- (g) (1) A person may, unless otherwise restricted or prohibited by law, including, but not limited to, any provision of this chapter or chapter 157, establish a dedicated independent expenditure account [, for the purpose of engaging in that may be used to make independent expenditures, [that] provided such account is segregated from all other accounts controlled by such person. Such dedicated independent expenditure account may receive covered transfers directly from persons other than the person establishing the dedicated account and may not receive transfers from another account controlled by the person establishing the dedicated account, except as provided in subdivision (2) of this subsection. If an independent expenditure is made from such segregated account, any report required pursuant to this section or disclaimer required pursuant to section 9-621, as amended by this act, [may include only] shall include at least those persons who made covered transfers directly to the dedicated independent expenditure account.
- (2) If a person who has made a covered transfer to another account controlled by the person establishing a dedicated independent expenditure account requests that such covered transfer be used for the purposes of making an independent expenditure from the dedicated independent expenditure account, the amount of such covered transfer may be transferred to the dedicated independent expenditure account and shall be treated as a covered transfer directly to the dedicated independent expenditure account.
- (h) Any person may file a complaint with the commission upon the belief that (1) any such independent expenditure report or statement is false, or (2) any person who is required to file an independent expenditure report under this [subsection] section has failed to do so. The commission shall make a prompt determination on such a complaint.

LCO No. 5320 **7** of 43

(i) (1) [If] Notwithstanding the provisions of section 9-623, if (A) a person fails to file a report in accordance with the provisions of this section or section 9-608, as amended by this act, for an independent expenditure or expenditures made or obligated to be made more than ninety days before the day of a primary, [or election, the] election or referendum, such person shall be subject to a civil penalty, imposed by the State Elections Enforcement Commission, of not more than ten thousand dollars, [. If] and (B) a person fails to file a report required in accordance with the provisions of this section for an independent expenditure or expenditures made or obligated to be made ninety days or less before the day of a primary, [or election] or referendum, such person shall be subject to a civil penalty, imposed by the State Elections Enforcement Commission, of not more than twenty thousand dollars or twice the amount of such independent expenditure or expenditures, whichever is greater.

- (2) [If] Notwithstanding the provisions of section 9-623, if the State Elections Enforcement Commission finds that any such failure is knowing and wilful, the person responsible for [the failure shall also be fined] such failure shall be subject to an additional civil penalty, imposed by the commission, of not more than fifty thousand dollars or ten times the amount of such independent expenditure or expenditures and the commission may refer the matter to the office of the Chief State's Attorney.
- (3) If the State Elections Enforcement Commission finds that a person is subject to a civil penalty under this subsection, (A) in the case of a committee, (i) the chairman, and (ii) any officer, or (B) in the case of a person other than a committee, (i) the chief executive or chief financial officer, or equivalent, (ii) any other officer, and (iii) any manager who had direct, extensive and substantive decision-making authority over the independent expenditure or expenditures made or obligated to be made by such person, shall be liable for paying any amount of such civil penalty imposed that is not paid by such person within one year after the latter of (I) the date on which the commission imposed such civil penalty, or (II) the date of the final judgment

LCO No. 5320 8 of 43

246 <u>following any judicial review of the commission's action.</u>

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Sec. 4. Subsections (a) and (b) of section 9-603 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

- (a) Statements filed by (1) party committees, (2) political committees formed to aid or promote the success or defeat of a referendum question proposing a constitutional convention, constitutional amendment or revision of the Constitution, (3) individual lobbyists, [and those] (4) political committees and candidate committees formed to aid or promote the success or defeat of any candidate for the office of Governor, Lieutenant Governor, Secretary of the State, State Treasurer, State Comptroller, Attorney General, judge of probate, [and members of the General Assembly] state senator or state representative, and (5) persons making any independent expenditure or expenditures in excess of one thousand dollars, in the aggregate, to promote the success or defeat of any such referendum question or candidate pursuant to section 9-601d, as amended by this act, shall be filed with the State Elections Enforcement Commission. A political committee formed for a slate of candidates in a primary for the office of justice of the peace shall file statements with the town clerk of the municipality in which the primary is to be held.
- (b) Statements filed by (1) political committees formed solely to aid or promote the success or defeat of a referendum question to be voted upon by the electors of a single municipality, [and those] (2) political committees or candidate committees formed to aid or promote the success or defeat of any candidate for public office, other than those enumerated in subsection (a) of this section, or for the position of town committee member, and (3) persons making any independent expenditure or expenditures in excess of one thousand dollars, in the aggregate, to promote the success or defeat of any such referendum question or candidate pursuant to section 9-601d, as amended by this act, shall be filed [only] with the town clerk of the municipality in which the election or referendum is to be held. Each unsalaried town

LCO No. 5320 9 of 43

clerk shall be entitled to receive ten cents from the town for the filing of each such statement.

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- Sec. 5. Subsections (a) and (b) of section 9-605 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):
- (a) [The] Except as provided in subsection (d) of this section, the chairperson of each political committee shall be an individual who has direct, extensive and substantive decision-making authority over the committee's activities with respect to raising and spending funds, shall designate a treasurer and may designate a deputy treasurer. The treasurer and any deputy treasurer so designated shall sign a statement accepting the designation. The chairperson of each political committee shall file a registration statement described in subsection (b) of this section along with the statement signed by the designated treasurer and deputy treasurer with the proper authority [, within ten days after its organization, not later than ten days after receiving contributions, or making or incurring expenditures, in excess of one thousand dollars, in the aggregate, provided [that] the chairperson of any political committee organized [within] ten or fewer days prior to any primary, election or referendum in connection with which it intends to make any contributions or expenditures, shall immediately file a registration statement.
- (b) The registration statement shall include: (1) The name and address of the committee; (2) a statement of the purpose of the committee; (3) the name and address of its treasurer, and deputy treasurer if applicable; (4) the name, address and position of its [chairman] chairperson, and other principal officers if applicable; (5) the name and address of the depository institution for its funds; (6) the name of each person, other than an individual, that is a member of the committee; (7) the name and party affiliation of each candidate whom the committee is supporting and the office or position sought by each candidate; (8) if the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party; (9) if the

LCO No. 5320 10 of 43

committee is supporting or opposing any referendum question, a brief statement identifying the substance of the question; (10) if the committee is established or controlled by a [business entity or organization] person or an individual acting as the agent of a person, the name of the [entity or organization] person and, if the committee is established or controlled by a person other than a human being, the name of its chief executive officer or equivalent; (11) if the committee is established by an organization, a statement of whether it will receive its funds from the organization's treasury or from voluntary contributions; (12) if the committee files reports with the Federal Elections Commission, the Internal Revenue Service or any similar outof-state agency, a statement to that effect including the name of the commission or agency and identifying information under which any such filings are made; (13) a statement indicating whether the committee is established for a single primary, election or referendum or for ongoing political activities; (14) if the committee is established or controlled by a lobbyist, a statement to that effect and the name of the lobbyist; (15) the name and address of the person making the initial contribution or disbursement, if any, to the committee; and (16) any information that the State Elections Enforcement Commission requires to facilitate compliance with the provisions of this chapter or chapter 157. If no such initial contribution or disbursement, as described in subdivision (15) of this subsection, has been made at the time of the filing of such statement, the treasurer of the committee shall, not later than forty-eight hours after receipt of such contribution or disbursement, file a report with the State Elections Enforcement Commission. The report shall be in the same form as statements filed under section 9-608, as amended by this act. As used in this subsection, "principal officer" means any individual who (A) occupies a title, office or position, other than chairperson, treasurer or deputy treasurer, of a political committee, (B) serves on an advisory panel of a political committee, including, but not limited to, a steering committee, executive committee or similar body, for the purpose of influencing or authorizing decisions regarding fundraising, solicitation or expenditure of such committee's funds to other committees, or (C)

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LCO No. 5320 11 of 43

participates in the selection of a political committee's chairperson, treasurer or deputy treasurer, or any replacement thereof.

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Sec. 6. Subdivision (1) of subsection (g) of section 9-607 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) As used in this subsection, (A) "the lawful purposes of the committee" means: (i) For a candidate committee or exploratory committee, the promoting of the nomination or election of the candidate who established the committee, except that after a political party nominates candidates for election to the offices of Governor and Lieutenant Governor, whose names shall be so placed on the ballot in the election that an elector will cast a single vote for both candidates, as prescribed in section 9-181, a candidate committee established by either such candidate may also promote the election of the other such candidate; (ii) for a political committee, other than an independent expenditure political committee described in subparagraph (A)(iv) of this subdivision, the promoting of (I) a political party, including party building activities, (II) the success or defeat of candidates for nomination [and] or election to public office or position subject to the requirements of this chapter, or (III) the success or defeat of referendum questions, provided a political committee formed for a single referendum question shall not promote the success or defeat of any candidate, and provided further a legislative leadership committee or a legislative caucus committee may expend funds to defray costs for conducting legislative or constituency-related business which are not reimbursed or paid by the state; [and] (iii) for a party committee, the promoting of the party, party building activities, the candidates of the party and continuing operating costs of the party; and (iv) for an independent expenditure political committee, the promoting of (I) a political party, (II) the success or defeat of candidates for nomination or election to public office or position subject to the requirements of this chapter, or (III) the success or defeat of referendum questions, provided an independent expenditure political committee shall act entirely independently of a candidate, candidate committee, party

LCO No. 5320 **12** of 43

committee or political committee that is not an independent expenditure political committee, or any agent of such candidate or committee, and (B) "immediate family" means a spouse or dependent child of a candidate who resides in the candidate's household.

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Sec. 7. Subsection (c) of section 9-608 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) Each statement filed under subsection (a), (e) or (f) of this section shall include, but not be limited to: (A) An itemized accounting of each contribution, if any, including the full name and complete address of each contributor and the amount of the contribution; (B) an itemized accounting of each expenditure, if any, including the full name and complete address of each payee, including secondary payees whenever the primary or principal payee is known to include charges which the primary payee has already paid or will pay directly to another person, vendor or entity, the amount and the purpose of the expenditure, the candidate supported or opposed by the expenditure, whether the expenditure is made independently of the candidate supported or is an in-kind contribution to the candidate, and a statement of the balance on hand or deficit, as the case may be; (C) an itemized accounting of each expense incurred but not paid, provided if the expense is incurred by use of a credit card, the accounting shall include secondary payees, and the amount owed to each such payee; (D) the name and address of any person who is the guarantor of a loan to, or the cosigner of a note with, the candidate on whose behalf the committee was formed, or the treasurer in the case of a party committee or a political committee or who has advanced a security deposit to a telephone company, as defined in section 16-1, for telecommunications service for a committee; (E) for each business entity or person purchasing advertising space in a program for a fundraising affair or on signs at a fund-raising affair, the name and address of the business entity or the name and address of the person, and the amount and aggregate amounts of such purchases; (F) for each individual who contributes in excess of one hundred dollars but not

LCO No. 5320 13 of 43

more than one thousand dollars, in the aggregate, to the extent known, the principal occupation of such individual and the name of the individual's employer, if any; (G) for each individual who contributes in excess of one thousand dollars in the aggregate, the principal occupation of such individual and the name of the individual's employer, if any; (H) for each itemized contribution made by a lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist who resides in the lobbyist's household, a statement to that effect; and (I) for each individual who contributes in excess of four hundred dollars in the aggregate to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer or a slate or town committee financing the nomination or election or a candidate for chief executive officer of a town, city or borough, a statement indicating whether the individual or a business with which he is associated has a contract with said municipality that is valued at more than five thousand dollars. Each treasurer shall include in such statement (i) an itemized accounting of the receipts and expenditures relative to any testimonial affair held under the provisions of section 9-609 or any other fund-raising affair, which is referred to in subsection (b) of section 9-601a, and (ii) the date, location and a description of the affair, except that a treasurer shall not be required to include the name of any individual who has purchased items at a fund-raising affair or food at a town fair, county fair or similar mass gathering, if the cumulative value of items purchased by such individual does not exceed one hundred dollars, or the name of any individual who has donated food or beverages for a meeting. A treasurer shall not be required to report or retain any receipts or expenditures related to any de minimis donations described in subdivision (17) of subsection (b) of section 9-601a.

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(2) Each contributor described in subparagraph (F), (G), (H) or (I) of subdivision (1) of this subsection shall, at the time the contributor makes such a contribution, provide the information that the treasurer is required to include under said subparagraph in the statement filed under subsection (a), (e) or (f) of this section. Notwithstanding any

LCO No. 5320 14 of 43

provision of subdivision (2) of section 9-7b, any contributor described in subparagraph (F) of subdivision (1) of this subsection who does not provide such information at the time the contributor makes such a contribution and any treasurer shall not be subject to the provisions of subdivision (2) of section 9-7b. If a treasurer receives a contribution from an individual which separately, or in the aggregate, is in excess of one thousand dollars and the contributor has not provided the information required by said subparagraph (G) or if a treasurer receives a contribution from an individual to or for the benefit of any candidate's campaign for nomination at a primary or election to the office of chief executive officer of a town, city or borough, which separately, or in the aggregate, is in excess of four hundred dollars and the contributor has not provided the information required by said subparagraph (I), the treasurer: [(i)] (A) Not later than three business days after receiving the contribution, shall send a request for such information to the contributor by certified mail, return receipt requested; [(ii)] (B) shall not deposit the contribution until the treasurer obtains such information from the contributor, notwithstanding the provisions of section 9-606; and [(iii)] (C) shall return the contribution to the contributor if the contributor does not provide the required information [not later than] within fourteen days after the treasurer's written request or the end of the reporting period in which the contribution was received, whichever is later. Any failure of a contributor to provide the information which the treasurer is required to include under said subparagraph (F) or (H), which results in noncompliance by the treasurer with the provisions of said subparagraph (F) or (H), shall be a complete defense to any action against the treasurer for failure to disclose such information.

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(3) In addition to the requirements of subdivision (2) of this subsection, each contributor who makes a contribution to a candidate or exploratory committee for Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State, State Treasurer, state senator or state representative, any political committee authorized to make contributions to such candidates or committees,

LCO No. 5320 15 of 43

and any party committee that separately, or in the aggregate, exceeds fifty dollars shall provide with the contribution: (A) The name of the contributor's employer, if any; (B) the contributor's status as a communicator lobbyist, as defined in section 1-91, a member of the immediate family of a communicator lobbyist, a state contractor, a prospective state contractor or a principal of a state contractor or prospective state contractor, as defined in section 9-612, as amended by this act; and (C) a certification that the contributor is not prohibited from making a contribution to such candidate or committee. The State Elections Enforcement Commission shall prepare a sample form for such certification by the contributor and shall make [it] such sample form available to treasurers and contributors. Such sample form shall include an explanation of the terms "communicator lobbyist", "principal of a state contractor or prospective state contractor", "immediate family", "state contractor" and "prospective state contractor". The information on such sample form shall be included in any written solicitation conducted by any such committee. If a treasurer receives such a contribution and the contributor has not provided such certification, the treasurer shall: (i) Not later than three business days after receiving the contribution, send a request for the certification to the contributor by certified mail, return receipt requested; (ii) not deposit the contribution until the treasurer obtains the certification from the contributor, notwithstanding the provisions of section 9-606; and (iii) return the contribution to the contributor if the contributor does not provide the certification [not later than] within fourteen days after the treasurer's written request or at the end of the reporting period in which the contribution was received, whichever is later. No treasurer shall be required to obtain and keep more than one certification from each contributor, unless information certified to by the contributor, other than the amount contributed, changes. If a treasurer deposits a contribution based on a certification that is later determined to be false, the treasurer shall have a complete defense to any action, including but not limited to, any complaint investigated by the State Elections Enforcement Commission or any other investigation initiated by [said] the commission, against such

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LCO No. 5320 16 of 43

518 treasurer for the receipt of such contribution.

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519 (4) When an independent expenditure political committee discloses 520 a contribution or contributions pursuant to subparagraph (A) of 521 subdivision (1) of this subsection in excess of one thousand dollars, in the aggregate, and the contributor is also a recipient of a covered 522 523 transfer, the independent expenditure political committee shall include 524 for any covered transfer or transfers in excess of five thousand dollars, 525 in the aggregate, the source and the amount of such covered transfer or transfers to such contributor during the twelve-month period 526 527 immediately prior to the primary or election, as applicable.

(5) (A) If a person makes a contribution or contributions in excess of one thousand dollars, in the aggregate, to an independent expenditure political committee and such person derives all funds of such contribution or contributions from a dedicated independent expenditure account established by such person that is segregated from all other accounts controlled by such person, such person shall provide to the treasurer of such committee the source and the amount of each donation, transfer or payment that is in excess of five thousand dollars, in the aggregate, to such dedicated account. Such dedicated independent expenditure account may receive covered transfers directly from persons other than the person who established such dedicated account and shall not receive covered transfers from any other account controlled by the person who established such dedicated account, except as provided in subparagraph (B) of this subdivision. The treasurer of such independent expenditure political committee shall include the information so provided under this subdivision with the disclosure of such contribution or contributions.

(B) If a person who made a covered transfer to any other account controlled by the person who established a dedicated independent expenditure account requests that such covered transfer be used for the purpose of making an independent expenditure or expenditures from such dedicated account, the amount of such covered transfer may be transferred to such dedicated account and shall be treated as a

LCO No. 5320 17 of 43

covered transfer directly to such dedicated account.

(6) If a person makes a contribution or contributions in excess of one thousand dollars, in the aggregate, to an independent expenditure political committee and such person derives any funds of such contribution or contributions from any source other than a dedicated independent expenditure account established by such person that is segregated from all other accounts controlled by such person, such person shall provide to the treasurer of such committee the source and the amount of each donation, transfer or payment to such person that is in excess of five thousand dollars, in the aggregate, during the twelve-month period prior to the primary or election, as applicable, for which an independent expenditure is made. The treasurer of such independent expenditure political committee shall include the information so provided under this subdivision with the disclosure of such contribution or contributions.

- (7) (A) The treasurer of an independent expenditure political committee shall not accept a contribution or contributions in excess of one thousand dollars, in the aggregate, unless the information required to be provided under subdivision (8) of this subsection is so provided.
- (B) The recipient of a covered transfer or transfers in excess of five thousand dollars, in the aggregate, shall not knowingly make any contribution to an independent expenditure political committee unless the information required to be disclosed or provided, as applicable, under subdivision (4), (5) or (6) of this subsection is so disclosed or provided.
 - (8) In addition to the requirements of subdivision (2) of this subsection, each contributor who is the recipient of any covered transfer or transfers that, in the aggregate, exceed five thousand dollars and who makes a contribution to an independent expenditure political committee that separately, or in the aggregate, exceeds one thousand dollars per calendar year shall provide with the contribution a statement signed under penalty of false statement, which statement

LCO No. 5320 18 of 43

shall include: (A) If the contributor is a human being, the name of the contributor's employer or employers, if any; (B) the contributor's status as a client lobbyist or communicator lobbyist, as defined in section 1-91, or a member of the immediate family of a communicator lobbyist; (C) a certification that the contributor is not a state contractor, a principal of a state contractor, a foreign national or otherwise prohibited from making such contribution; and (D) the name of any person required to be disclosed or provided, as applicable, under subdivision (4), (5) or (6) of this subsection and the amounts of the covered transfers of any such person. The State Elections Enforcement Commission shall prepare a form for such certification by the contributor and shall make such form available to treasurers and contributors. Such form shall include an explanation of the term "covered transfer" as it is defined in section 9-601, as amended by this act. The information on such form shall be included in any written solicitation conducted by such independent expenditure political committee. If a treasurer receives a contribution and the contributor has not provided such certification, the treasurer shall: (i) Not later than three business days after receiving the contribution, send a request for the certification to the contributor by certified mail, return receipt requested; (ii) not deposit the contribution until the treasurer obtains the certification from the contributor, notwithstanding the provisions of section 9-606; and (iii) return the contribution to the contributor if the contributor does not provide the certification within fourteen days after the treasurer's written request or at the end of the reporting period in which the contribution was received, whichever is later. If a treasurer deposits a contribution based on a certification signed under penalty of false statement that is later determined to be false, the treasurer shall have a complete defense to any action, including, but not limited to, any complaint investigated by the State Elections Enforcement Commission or any other investigation initiated by the commission, against such treasurer for the receipt of such contribution.

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[(4)] (9) Contributions from a single individual to a treasurer in the

LCO No. 5320 19 of 43

617 aggregate totaling fifty dollars or less need not be individually 618 identified in the statement, but a sum representing the total amount of 619 all such contributions made by all such individuals during the period 620 to be covered by such statement shall be a separate entry, identified only by the words "total contributions from small contributors".

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[(5)] (10) Each statement filed by the treasurer of a party committee, a legislative caucus committee or a legislative leadership committee shall include an itemized accounting of each organization expenditure made by the committee. Concomitant with the filing of any such statement containing an accounting of an organization expenditure made by the committee for the benefit of any candidate for the office of state senator, state representative, Governor, Lieutenant Governor, Attorney General, Secretary of the State, State Comptroller or State Treasurer such treasurer shall provide notice of the organization expenditure to the candidate committee of such candidate.

[(6)] (11) The commission shall post a link on the home page of the commission's Internet web site to a listing of all organizational expenditures reported by a party, legislative leadership or caucus committee under subdivision [(5)] (10) of this subsection. Such information shall include reported information on the committee making the expenditure, the committee receiving the expenditure and the date and purpose for the expenditure.

[(7)] (12) Statements filed in accordance with this section shall remain public records of the state for five years from the date such statements are filed.

Sec. 8. Subparagraph (C) of subdivision (1) of subsection (e) of section 9-608 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(C) (i) Each political committee formed solely to aid or promote the success or defeat of any referendum question, which does not receive contributions from a business entity or an organization, shall distribute its surplus to a party committee, to a political committee organized for

LCO No. 5320 **20** of 43 ongoing political activities, to a national committee of a political party, to all contributors to the committee on a prorated basis of contribution, to state or municipal governments or agencies or to any organization which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

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(ii) Each political committee formed solely to aid or promote the success or defeat of any referendum question, which receives contributions from a business entity or an organization, and each independent expenditure political committee other than an independent expenditure political committee formed for ongoing political activities, shall distribute its surplus to all contributors to the committee on a prorated basis of contribution, to state or municipal governments or agencies, or to any organization which is tax-exempt under said provisions of the Internal Revenue Code. Notwithstanding the provisions of this subsection, a committee formed for a single referendum shall not be required to expend its surplus not later than ninety days after the referendum and may continue in existence if a substantially similar referendum question on the same issue will be submitted to the electorate within six months after the first referendum. If two or more substantially similar referenda on the same issue are submitted to the electorate, each no more than six months apart, the committee shall expend such surplus within ninety days following the date of the last such referendum;

Sec. 9. Subsections (a) and (b) of section 9-612 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) No individual shall make a contribution or contributions in any one calendar year in excess of ten thousand dollars to the state central committee of any party, or for the benefit of such committee pursuant to its authorization or request; or two thousand dollars to a town committee of any political party, or for the benefit of such

LCO No. 5320 **21** of 43

committee pursuant to its authorization or request; or two thousand dollars to a legislative caucus committee or legislative leadership committee; [,] or one thousand dollars to any other political committee other than [(1)] (A) a political committee formed solely to aid or promote the success or defeat of a referendum question, [(2)] (B) an exploratory committee, [(3)] (C) a political committee established by an organization, or for the benefit of such committee pursuant to its authorization or request, [or (4)] (D) a political committee formed by a slate of candidates in a primary for the office of justice of the peace of the same town, or (E) an independent expenditure political committee.

- (2) Notwithstanding the provisions of subdivision (1) of this subsection and unless otherwise restricted or prohibited by law, an individual may make contributions to an independent expenditure political committee.
- (b) (1) No individual shall make a contribution to a political committee established by an organization which receives its funds from the organization's treasury. With respect to a political committee established by an organization which has complied with the provisions of subsection (b) or (c) of section 9-614, as amended by this act, and has elected to receive contributions, no individual other than a member of the organization may make contributions to the committee, in which case the individual may contribute not more than seven hundred fifty dollars in any one calendar year to such committee or for the benefit of such committee pursuant to its authorization or request.
- (2) Notwithstanding the provisions of subdivision (1) of this subsection and unless otherwise restricted or prohibited by law, an individual may make contributions to an independent expenditure political committee established by an organization.
- Sec. 10. Subsection (d) of section 9-612 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 713 (d) Any individual may make unlimited contributions or

LCO No. 5320 **22** of 43

720 <u>9-601d</u>, as amended by this act.

- Sec. 11. Section 9-613 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (a) [No] Except as provided in subsection (g) of this section, a business entity shall <u>not</u> make any contributions or expenditures (1) to, or for the benefit of, any candidate's campaign (A) for election to any public office or position subject to this chapter, or (B) for nomination at a primary for any such office or position, or (2) to promote the defeat of any candidate for any such office or position. [No] A business entity shall <u>not</u> make any other contributions or expenditures to promote the success or defeat of any political party. [, except as provided in subsection (b) of this section. No] A business entity shall <u>not</u> establish more than one political committee. A political committee shall be deemed to have been established by a business entity if the initial disbursement or contribution to the committee is made under subsection (b) of this section or by an officer, director, owner, limited or general partner or holder of stock constituting five per cent or more of the total outstanding stock of any class of the business entity.
 - (b) A business entity may make reasonable and necessary transfers or disbursements to or for the benefit of a political committee established by such business entity, for the administration of, or solicitation of contributions to, such political committee. Nonmonetary contributions by a business entity which are incidental in nature and are directly attributable to the administration of such political committee shall be exempt from the reporting requirements of this chapter.

LCO No. 5320 **23** of 43

(c) The provisions of this section shall not preclude a business entity from making contributions or expenditures to promote the success or defeat of a referendum question.

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- (d) [A] Except as provided in subsection (g) of this section, a political committee organized by a business entity shall not make a contribution or contributions to or for the benefit of any candidate's campaign for nomination at a primary or any candidate's campaign for election to the office of: (1) Governor, in excess of five thousand dollars; (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General, in excess of three thousand dollars; (3) state senator, probate judge or chief executive officer of a town, city or borough, in excess of one thousand five hundred dollars; (4) state representative, in excess of seven hundred fifty dollars; or (5) any other office of a municipality not included in subdivision (3) of this subsection, in excess of three hundred seventy-five dollars. The limits imposed by this subsection shall apply separately to primaries and elections and contributions by any such committee to candidates designated in this subsection shall not exceed one hundred thousand dollars in the aggregate for any single election and primary preliminary thereto. Contributions to such committees shall also be subject to the provisions of section 9-618, as amended by this act, in the case of committees formed for ongoing political activity or section 9-619, as amended by this act, in the case of committees formed for a single election or primary.
- (e) [No] Except as provided in subsection (g) of this section, a political committee organized by a business entity shall not make a contribution or contributions to (1) a state central committee of a political party, in excess of seven thousand five hundred dollars in any calendar year, (2) a town committee of any political party, in excess of one thousand five hundred dollars in any calendar year, (3) an exploratory committee in excess of three hundred seventy-five dollars, or (4) any other kind of political committee, in excess of two thousand dollars in any calendar year.

LCO No. 5320 24 of 43 (f) As used in this subsection, "investment services" means investment legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services. No political committee established by a firm which provides investment services and to which the State Treasurer pays compensation, expenses or fees or issues a contract shall make a contribution to, or solicit contributions on behalf of, an exploratory committee or candidate committee established by a candidate for nomination or election to the office of State Treasurer during the term of office of the State Treasurer who does business with such firm.

- (g) (1) Notwithstanding the provisions of [this section, a corporation, cooperative association, limited partnership, professional association, limited liability company or limited liability partnership, whether formed in this state or any other, acting alone,] subsections (a) to (f), inclusive, of this section, a business entity may make independent expenditures and contributions to an independent expenditure political committee.
- (2) An independent expenditure political committee organized by a business entity shall not make any contribution unless such contribution is to another independent expenditure political committee.
- Sec. 12. Section 9-614 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

An organization may make contributions or expenditures, other than [those made to promote] for the purposes of promoting the success or defeat of a referendum question, only by first forming its own political committee. [The] <u>Unless such political committee is an independent expenditure political committee, the political committee shall then be authorized to (1) receive funds (A) exclusively from the organization's treasury or from voluntary contributions made by its members, but not both, (B) from another political committee, or [,] (C) from a candidate committee distributing a surplus, and [(1) to] (2)</u>

LCO No. 5320 **25** of 43

make (A) contributions or expenditures to, or for the benefit of, a candidate's campaign or a political party, or [(2) to make] (B) contributions to another political committee. [No] An organization shall not form more than one political committee. A political committee shall be deemed to have been established by an organization if the initial contribution to the committee is made by the organization's treasury or an officer or director of the organization.

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- (b) A political committee established by an organization may elect to alter the manner in which it is funded if it complies with the requirements of this subsection. The committee chairperson shall notify the repository with which the committee's most recent statement of organization is filed, in writing, of the committee's intent to alter its manner of funding. [Within] Not later than fifteen days after the date of receipt of such notification, the treasurer of such political committee shall return any funds remaining in the account of the committee to the organization's treasury after payment of each outstanding liability. [Within] Not later than seven days after the distribution and payments have been made, the treasurer shall file a statement with the same repository itemizing each such distribution and payment. Upon such filing, the treasurer may receive voluntary contributions from any member of the organization which established such committee subject to the limitations imposed in subsection (b) of section 9-612, as amended by this act.
- (c) The chairperson of each political committee established by an organization on or after July 1, 1985, shall designate the manner in which the committee shall be funded in the committee's statement of organization.
- 838 (d) Notwithstanding the provisions of this section, an organization 839 acting alone, may make independent expenditures 840 contributions to an independent expenditure political committee.
- 841 Sec. 13. Section 9-615 of the general statutes is repealed and the 842 following is substituted in lieu thereof (*Effective from passage*):

LCO No. 5320 **26** of 43 (a) [No] A political committee established by an organization shall not make a contribution or contributions to, or for the benefit of, any candidate's campaign for nomination at a primary or for election to the office of: (1) Governor, in excess of five thousand dollars; (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or Attorney General, in excess of three thousand dollars; (3) chief executive officer of a town, city or borough, in excess of one thousand five hundred dollars; (4) state senator or probate judge, in excess of one thousand five hundred dollars; (5) state representative, in excess of seven hundred fifty dollars; or (6) any other office of a municipality not previously included in this subsection, in excess of three hundred seventy-five dollars.

- (b) [No] <u>Any</u> such committee shall <u>not</u> make a contribution or contributions to, or for the benefit of, an exploratory committee, in excess of three hundred seventy-five dollars. Any such committee may make unlimited contributions to a political committee formed solely to aid or promote the success or defeat of a referendum question.
- (c) The limits imposed by subsection (a) of this section shall apply separately to primaries and elections and no such committee shall make contributions to the candidates designated in this section which in the aggregate exceed fifty thousand dollars for any single election and primary preliminary thereto.
- (d) [No] Except as provided in subsection (f) of this section, a political committee established by an organization shall <u>not</u> make contributions in any one calendar year to, or for the benefit of, (1) the state central committee of a political party, in excess of seven thousand five hundred dollars; (2) a town committee, in excess of one thousand five hundred dollars; or (3) any political committee, other than an exploratory committee or a committee formed solely to aid or promote the success or defeat of a referendum question, in excess of two thousand dollars.
 - (e) Contributions to a political committee established by an

LCO No. 5320 **27** of 43

- organization for the purpose of making contributions shall be subject to the provisions of section 9-618, as amended by this act, in the case of a committee formed for ongoing political activity or section 9-619, as amended by this act, in the case of a committee formed for a single election or primary.
- 880 <u>(f) An independent expenditure political committee established by</u>
 881 <u>an organization shall not make any contribution unless such</u>
 882 <u>contribution is to another independent expenditure political</u>
 883 committee.
- Sec. 14. Subsection (d) of section 9-617 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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- (d) [A] (1) No party committee may receive contributions in excess of one hundred thousand dollars, in the aggregate, in any calendar year from [a] any federal account of a national committee of a political party, [but may not] and no party committee may receive contributions from any other account of a national committee of a political party or from a committee of a candidate for federal or out-of-state office, for use in the election of candidates subject to the provisions of this chapter.
- (2) Notwithstanding the provisions of subdivision (1) of this subsection, a federal account of a national committee of a political party may provide to a party committee documentation in printed or electronic form, such as a party platform, a copy of an issue paper, a list of registered voters or voter identification information, which documentation is or was created or maintained by the federal account of the national committee of a political party.
- 902 Sec. 15. Subsection (a) of section 9-618 of the general statutes is 903 repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 905 (a) (1) A political committee organized for ongoing political

LCO No. 5320 **28** of 43

activities may make unlimited contributions to, or for the benefit of, any national committee of a political party [;] or a committee of a candidate for federal or out-of-state office. Except as provided in subdivision (3) of subsection (d) of this section, no such political committee shall make a contribution or contributions in excess of two thousand dollars to another political committee in any calendar year. No political committee organized for ongoing political activities shall make a contribution in excess of three hundred seventy-five dollars to an exploratory committee. If such an ongoing committee is established by an organization or a business entity, its contributions shall be subject to the limits imposed by sections 9-613 to 9-615, inclusive, as amended by this act. A political committee organized for ongoing political activities may make [contributions] donations to a charitable organization [which] that is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, as from time to time amended, or make memorial [contributions] donations.

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- (2) An independent expenditure political committee organized for ongoing political activities shall not make any contribution unless such contribution is to another independent expenditure political committee.
- 926 Sec. 16. Subsection (e) of section 9-618 of the general statutes is 927 repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (e) A political committee organized for ongoing political activities [may receive contributions from the federal account of a national committee of a political party, but] may not receive contributions from any [other] account of a national committee of a political party or from a committee of a candidate for federal or out-of-state office.
- 934 Sec. 17. Subsection (a) of section 9-619 of the general statutes is 935 repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (a) (1) No political committee established for a single primary or

LCO No. 5320 **29** of 43

- (2) An independent expenditure political committee established for a single primary or election shall not make any contribution unless such contribution is to another independent expenditure political committee.
- 953 Sec. 18. Section 9-620 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

- (a) A political committee formed solely to aid or promote the success or defeat of a referendum question shall not make contributions to, or for the benefit of, a party committee, a political committee, a national committee, a committee of a candidate for federal or out-of-state office or a candidate committee, except in the distribution of a surplus, as provided in subsection (e) of section 9-608, as amended by this act.
- (b) A political committee formed solely to aid or promote the success or defeat of a referendum question shall not receive contributions from a national committee or from a committee of a candidate for federal or out-of-state office.
- (c) [No] A person, other than an individual or a committee, shall <u>not</u> make a contribution to a political committee formed solely to aid or promote the success or defeat of a referendum question, or to any other person [,] to aid or promote the success or defeat of a referendum

LCO No. 5320 30 of 43

question, in excess of ten cents for each individual residing in the state or political subdivision thereof in which such referendum question is to be voted upon, in accordance with the last federal decennial census.

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- 973 (d) Notwithstanding the provisions of subsections (a) to (c), inclusive, of this section, an independent expenditure political 974 975 committee formed solely to aid or promote the success or defeat of a 976 referendum question shall not make any contribution unless such 977 contribution is made to another independent expenditure political 978 committee. Unless otherwise restricted or prohibited by law, an 979 independent expenditure political committee formed solely to aid or 980 promote the success or defeat of a referendum question may accept 981 contributions from an entity.
 - Sec. 19. (NEW) (Effective from passage) (a) A foreign-influenced entity, as defined in section 9-601 of the general statutes, as amended by this act, shall not make, directly or indirectly, (1) any contribution, as defined in section 9-601a of the general statutes, or any express or implied promise to make any such contribution, or (2) any expenditure, as defined in section 9-601b of the general statutes.
 - (b) A person shall not solicit, accept or receive a contribution from a foreign-influenced entity.
 - Sec. 20. Subsections (h) to (m), inclusive, of section 9-621 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (h) (1) No person shall make or incur an independent expenditure for any written, typed or other printed communication, including on a billboard, or any web-based, written communication, unless such communication bears upon its face, as a disclaimer, (A) the words "Paid for by", [and] (B) the name of such person and, in the case of a person other than a human being, the name of an individual who had direct, extensive and substantive decision-making authority over such independent expenditure, and (C) the following statement: "This message was made independent of any candidate or political party.".

LCO No. 5320 **31** of 43 In the case of a person making or incurring such an independent expenditure during the ninety-day period immediately prior to the primary or election for which the independent expenditure is made, such communication shall also bear upon its face the names of the five persons who made the five largest aggregate covered transfers to the person making such communication during the twelve-month period immediately prior to such primary or election, as applicable. The communication shall also state that additional information about the person making such communication may be found on the State Elections Enforcement Commission's Internet web site.

(2) In addition to the requirements of subdivision (1) of this subsection, no person shall make or incur an independent expenditure for a video broadcast by television, satellite or Internet, unless at the end of such advertising there appears for a period of not less than four seconds as a disclaimer, the following as an audio message and a written statement: "This message was paid for by (person making the communication) and made independent of any candidate or political party.". In the case of a person making or incurring such an independent expenditure during the ninety-day period immediately prior to the primary or election for which the independent expenditure is made, such communication shall also list the names of the five persons who made the five largest aggregate covered transfers to the person making such communication during the twelve-month period immediately prior to such primary or election, as applicable. The communication shall also state that additional information about the person making such communication may be found on the State Elections Enforcement Commission's Internet web site.

(3) In addition to the requirements of subdivision (1) of this subsection, no person shall make or incur an independent expenditure for an audio communication broadcast by radio, satellite or Internet, unless the advertising ends with a disclaimer that is a personal audio statement by such person's agent (A) identifying the person paying for the expenditure, and (B) indicating that the message was made independent of any candidate or political party, using the following

LCO No. 5320 **32** of 43

form: "I am (name of the person's agent), (title), of (the person). This message was made independent of any candidate or political party.". In the case of a person making or incurring such an independent expenditure during the ninety-day period immediately prior to the primary or election for which the independent expenditure is made, such communication shall state the names of the five persons who made the five largest aggregate covered transfers to the person making such communication during the twelve-month period immediately prior to such primary or election, as applicable. The communication shall also state that additional information about the person making such communication may be found on the State Elections Enforcement Commission's Internet web site.

(4) In addition to the requirements of subdivision (1) of this subsection, no person shall make or incur an independent expenditure for telephone calls, unless the narrative of the telephone call identifies the person making the expenditure and during the ninety-day period immediately prior to the primary or election for which the independent expenditure is made, such communication shall state the names of the five persons who made the five largest aggregate covered transfers to the person making such communication during the twelvemonth period immediately prior to such primary or election, as applicable. The communication shall also state that additional information about the person making such communication may be found on the State Elections Enforcement Commission's Internet web site.

(i) In any [print, television or social media promotion of a slate of] organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, as amended by this act, of a candidate or candidates by a party committee, [the party] legislative caucus committee or legislative leadership committee, such committee shall use applicable disclaimers pursuant to the provisions of this section for such promotion, and no individual candidate disclaimers shall be required.

LCO No. 5320 33 of 43

(j) [(1) Except as provided in subdivisions (2) and (3) of this subsection, if] If any person whose name is included on a disclaimer of a communication pursuant to the provisions of this section, as a person who made a covered transfer to the maker of the communication, is also a recipient of a covered transfer, the maker of the communication, as part of any report filed pursuant to section 9-601d, as amended by this act, associated with the making of such communication, shall include the names of the five persons who made the top five largest aggregate covered transfers to such recipient during the twelve-month period immediately prior to the primary or election, as applicable.

- [(2) The name of any person who made a covered transfer to a tax-exempt organization recognized under Section 501(c)(4) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, that has not had its tax exempt status revoked, shall not be disclosed pursuant to the provisions of subdivision (1) of this subsection.
- (3) The name of any person who made a covered transfer to a person whose name is included on a disclaimer pursuant to the provisions of this section shall not be disclosed pursuant to the provisions of subdivision (1) of this subsection if the recipient of such covered transfer accepts covered transfers from at least one hundred different sources, provided no such source accounts for ten per cent or more of the total amount of covered transfers accepted by the recipient during the twelve-month period immediately prior to the primary or election, as applicable.]
- (k) Any disclaimer required to be on the face of a written, typed or other printed communication pursuant to the provisions of this section shall be printed in no smaller than eight-point type of uniform font when such disclaimer is on a communication contained in a flyer or leaflet, newspaper, magazine or similar literature, or that is delivered by mail.
 - (l) Notwithstanding the provisions of this section, no person making

LCO No. 5320 34 of 43

an independent expenditure for a communication shall be required to list as part of any disclaimer pursuant to this section any person whose covered transfers to the maker of the communication are not in an aggregate amount of five thousand dollars or more during the twelvemonth period immediately prior to the primary, [or] election or referendum, as applicable, for which such independent expenditure is made.

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- (m) Notwithstanding the provisions of this section, any disclaimer required to be on the face of any Internet [text advertisement communication (1) that appears based on the result of a search conducted by a user of an Internet search engine, and (2) the text of which contains two hundred or fewer characters, shall not be required to list the names of the five persons who made the top five largest aggregate covered transfers to the maker of such communication, as otherwise required by this section, if such disclaimer (A) includes a link to an Internet web site that discloses the names of such five persons, and (B) otherwise contains any statement required pursuant communication, which provisions of this section] communication is disseminated through a medium in which the provision of all information required to be provided pursuant to this section is not possible, shall, in a clear and conspicuous manner (1) state the name of the person who paid for such communication, and (2) provide a means for any recipient of such communication to obtain, with minimal effort and without receiving or viewing any additional material, the remainder of the information required to be provided pursuant to this section.
- Sec. 21. Section 9-622 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- The following persons shall be guilty of illegal practices and shall be punished in accordance with the provisions of section 9-623:
- 1131 (1) Any person who, directly or indirectly, individually or by 1132 another person, gives or offers or promises to any person any money,

LCO No. 5320 **35** of 43

gift, advantage, preferment, entertainment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to sign a nominating, primary or referendum petition or to vote or refrain from voting for or against any person or for or against any measure at any election, caucus, convention, primary or referendum;

- (2) Any person who, directly or indirectly, receives, accepts, requests or solicits from any person, committee, association, organization or corporation, any money, gift, advantage, preferment, aid, emolument or other valuable thing for the purpose of inducing or procuring any person to sign a nominating, primary or referendum petition or to vote or refrain from voting for or against any person or for or against any measure at any such election, caucus, primary or referendum;
- (3) Any person who, in consideration of any money, gift, advantage, preferment, aid, emolument or other valuable thing paid, received, accepted or promised to the person's advantage or any other person's advantage, votes or refrains from voting for or against any person or for or against any measure at any such election, caucus, primary or referendum;
 - (4) Any person who solicits from any candidate any money, gift, contribution, emolument or other valuable thing for the purpose of using the same for the support, assistance, benefit or expenses of any club, company or organization, or for the purpose of defraying the cost or expenses of any political campaign, primary, referendum or election;
 - (5) Any person who, directly or indirectly, pays, gives, contributes or promises any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign, primary, referendum or election to any person, committee, company, club, organization or association, other than to a treasurer, except that this subdivision shall not apply to any expenses for postage, telegrams, telephoning, stationery, express charges, traveling, meals, lodging or photocopying

LCO No. 5320 **36** of 43

incurred by any candidate for office or for nomination to office, so far as may be permitted under the provisions of this chapter;

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- (6) Any person who, in order to secure or promote the person's own nomination or election as a candidate, or that of any other person, directly or indirectly, promises to appoint, or promises to secure or assist in securing the appointment, nomination or election of any other person to any public position, or to any position of honor, trust or emolument; but any person may publicly announce the person's own choice or purpose in relation to any appointment, nomination or election in which the person may be called to take part, if the person is nominated for or elected to such office;
- (7) Any person who, directly or indirectly, individually or through another person, makes a payment or promise of payment to a treasurer in a name other than the person's own, and any treasurer who knowingly receives a payment or promise of payment, or enters or causes the same to be entered in the person's accounts in any other name than that of the person by whom such payment or promise of payment is made;
- 1183 (8) Any person who knowingly and wilfully violates any provision 1184 of this chapter;
 - (9) Any person who offers or receives a cash contribution in excess of one hundred dollars to promote the success or defeat of any political party, candidate or referendum question;
- 1188 (10) Any person who solicits, makes or receives a contribution that 1189 is otherwise prohibited by any provision of this chapter;
- (11) Any department head or deputy department head of a state department who solicits a contribution on behalf of, or for the benefit of, any candidate for state, district or municipal office or any political party;
 - (12) Any municipal employee who solicits a contribution on behalf

LCO No. 5320 37 of 43

of, or for the benefit of, any candidate for state, district or municipal office, any political committee or any political party, from (A) an individual under the supervision of such employee, or (B) the spouse or a dependent child of such individual;

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- (13) Any person who makes an expenditure, that is not an independent expenditure, for a candidate without the knowledge of such candidate. No candidate shall be civilly or criminally liable with regard to any such expenditure;
- (14) Any chief of staff of a legislative caucus who solicits a contribution on behalf of or for the benefit of any candidate for state, district or municipal office from an employee of the legislative caucus;
- (15) Any chief of staff for a state-wide elected official who solicits a contribution on behalf of or for the benefit of any candidate for state, district or municipal office from a member of such official's staff; [or]
- (16) Any chief of staff for the Governor or Lieutenant Governor who solicits a contribution on behalf of or for the benefit of any candidate for state, district or municipal office from a member of the staff of the Governor or Lieutenant Governor, or from any commissioner or deputy commissioner of any state agency; or
- 1214 (17) Any person that structures or assists in structuring, or attempts 1215 to structure or assist in structuring, any solicitation, contribution, 1216 expenditure, disbursement or other transaction for the purpose of 1217 evading the requirements of chapters 155 to 157, inclusive.
- Sec. 22. Subdivision (1) of subsection (g) of section 9-7a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (g) (1) In the case of a written complaint filed with the commission pursuant to section 9-7b, commission staff shall conduct and complete a preliminary examination of such complaint by the fourteenth day following its receipt, at which time such staff shall, at its discretion, (A)

LCO No. 5320 **38** of 43

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dismiss the complaint for failure to allege any substantial violation of state election law supported by evidence, (B) engage the respondent in discussions in an effort to speedily resolve any matter pertaining to a de minimis violation, or (C) investigate and docket the complaint for a determination by the commission that probable cause or no probable cause exists for any such violation. If commission staff dismisses a complaint pursuant to subparagraph (A) of this subdivision, such staff shall provide a brief written statement concisely setting forth the reasons for such dismissal. If commission staff engages a respondent pursuant to subparagraph (B) of this subdivision but is unable to speedily resolve any such matter described in said subparagraph by the forty-fifth day following receipt of the complaint, such staff shall docket such complaint for a determination by the commission that probable cause or no probable cause exists for any violation of state election law. If the commission does not, by the sixtieth day following receipt of the complaint, either issue a decision or render its determination that probable cause or no probable cause exists for any violation of state election laws, the complainant or respondent may apply to the superior court for the judicial district of Hartford for an order to show cause why the commission has not acted upon the complaint and to provide evidence that the commission has unreasonably delayed action. For any complaint received on or after January 1, 2018, if the commission does not, by one year following receipt of such complaint, [issue a decision thereon] find reason to believe, pursuant to section 9-7b-35 of the regulations of Connecticut state agencies, that a violation of state election law has been committed, the commission shall dismiss such complaint, provided the length of time of any delay caused by (i) the commission or commission staff granting any extension or continuance to a respondent prior to the issuance of any such decision, (ii) any subpoena issued in connection with such complaint, (iii) any litigation in state or federal court related to such complaint, [or] (iv) any investigation by the commission or commission staff (I) involving a potential violation of section 9-601c or 9-601d, as amended by this act, or (II) involving a potential violation of state election law by any

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LCO No. 5320 39 of 43

- 1260 <u>foreign national or foreign-influenced entity, or (v)</u> any investigation
- by, or consultation of the commission or commission staff with, the
- 1262 Chief State's Attorney, the Attorney General, the United States
- 1263 Department of Justice or the United States Attorney for Connecticut
- related to such complaint, shall be added to such one year.
- 1265 Sec. 23. (NEW) (Effective January 1, 2020) (a) As used in this section:
- (1) "Online platform" means any public-facing Internet web site or application or digital application, including, but not limited to, a social network, advertisement network or search engine, that sells qualified political advertisements and (A) has four hundred thousand or more unique monthly visitors or users, which visitors or users have an assigned Internet protocol address within the United States, for seven

of the preceding twelve months, or (B) has revenue from advertising in

1273 excess of one thousand dollars per year; and

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- 1274 (2) "Qualified political advertisement" means any advertisement, 1275 including, but not limited to, sponsorship and search engine 1276 marketing, that is an expenditure, as defined in section 9-601b of the 1277 general statutes.
 - (b) An online platform shall maintain, and make available for online public inspection in machine-readable format, a complete record of any request to purchase on such online platform a qualified political advertisement, which request is made by a person whose aggregate requests to purchase qualified political advertisements on such online platform during the calendar year exceeds two hundred dollars.
 - (c) Any person who requests to purchase a qualified political advertisement on an online platform shall provide to the online platform all information necessary for such online platform to comply with the requirements of subsection (b) of this section.
- 1288 (d) A record maintained pursuant to subsection (b) of this section 1289 shall contain the following:

LCO No. 5320 **40** of 43

1290 (1) A digital copy of the qualified political advertisement;

- 1291 (2) A description of the audience targeted by such advertisement, 1292 the number of views generated from such advertisement and the date 1293 and time that such advertisement is both first and last displayed; and
 - (3) Information regarding (A) the average rate charged for such advertisement, (B) as applicable, (i) the name of any candidate to whom such advertisement refers and the office to which such candidate is seeking nomination or election, (ii) the primary or election to which such advertisement refers, or (iii) the referendum question to which such advertisement refers, and (C) (i) for a request by or on behalf of a candidate to make such purchase, (I) the name of such candidate, (II) the name of the authorized candidate committee of such candidate, and (III) the name of the treasurer of such candidate committee, or (ii) for any other request to make such purchase, (I) the name of the person making such request, (II) the name, street address and phone number of a contact individual for such person, and (III) in the case of a person other than a human being, the name of an individual who had direct, extensive and substantive decision-making authority over the request to make such purchase.
 - (e) (1) The information required to be provided or maintained, as applicable, pursuant to this section shall be made available as soon as possible and retained by an online platform for a period of not less than four years.
 - (2) If an online platform, pursuant to federal law, maintains the information set forth in subsection (d) of this section and includes such information in any report filed with the Federal Election Commission, the Federal Communications Commission or any similar federal agency, such online platform may make available, pursuant to subdivision (1) of this subsection, only identifying information sufficient to find such report.
 - (f) The requirements of this section shall be in addition to any other requirement set forth in chapters 155 to 157, inclusive, of the general

LCO No. 5320 **41** of 43

statutes with regard to reporting or disclosure of any contribution or expenditure.

(g) (1) Notwithstanding the provisions of section 9-623 of the general statutes, if an online platform fails to maintain a complete record of any request to purchase on such online platform a qualified political advertisement, in accordance with subsection (b) of this section, such online platform shall be subject to a civil penalty, imposed by the State Elections Enforcement Commission, of not more than ten thousand dollars, except that if such online platform so fails for a qualified political advertisement made or obligated to be made ninety days or less before the day of a primary, election or referendum, such online platform shall be subject to a civil penalty, imposed by the State Elections Enforcement Commission, of not more than twenty thousand dollars or twice the amount of the total of all such qualified political advertisements not maintained as part of such record, whichever is greater.

(2) Notwithstanding the provisions of section 9-623 of the general statutes, if the State Elections Enforcement Commission finds that any such failure is knowing and wilful, the online platform shall be subject to an additional civil penalty, imposed by the commission, of not more than fifty thousand dollars or ten times the amount of the total of all such qualified political advertisements not maintained as part of such record, whichever is greater, and the commission may refer the matter to the office of the Chief State's Attorney.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	9-601
Sec. 2	from passage	9-601(3)
Sec. 3	from passage	9-601d
Sec. 4	from passage	9-603(a) and (b)
Sec. 5	from passage	9-605(a) and (b)
Sec. 6	from passage	9-607(g)(1)
Sec. 7	from passage	9-608(c)
Sec. 8	from passage	9-608(e)(1)(C)

LCO No. 5320 **42** of 43

Sec. 9	from passage	9-612(a) and (b)
Sec. 10	from passage	9-612(d)
Sec. 11	from passage	9-613
Sec. 12	from passage	9-614
Sec. 13	from passage	9-615
Sec. 14	from passage	9-617(d)
Sec. 15	from passage	9-618(a)
Sec. 16	from passage	9-618(e)
Sec. 17	from passage	9-619(a)
Sec. 18	from passage	9-620
Sec. 19	from passage	New section
Sec. 20	from passage	9-621(h) to (m)
Sec. 21	from passage	9-622
Sec. 22	from passage	9-7a(g)(1)
Sec. 23	January 1, 2020	New section

Statement of Purpose:

To (1) implement federal court rulings regarding independent expenditure political committees, (2) increase disclosure of independent expenditures and prohibit such expenditures by foreign-influenced entities, (3) reveal persons behind political committees and contributors to such committees, and (4) require online platforms to disclose purchasers of political advertisements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

LCO No. 5320 **43** of 43